

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

THOMAS GALLO,
Plaintiff,

v.

ANTHONY WASHINGTON, et al.,
Defendants.

CV 305-135

FILED
DISTRICT COURT
2007 MAR -7 A 11:11
CLERK *L. Flanders*
S.D. DIST. OF GA.

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, through counsel, commenced the above-captioned case pursuant to 42 U.S.C. § 1983 and paid the requisite filing fee. (Doc. no. 1). However, Plaintiff failed to effect service upon any of the named Defendants within the 120 days allowed by Fed. R. Civ. P. 4(m). On February 6, 2007, the Court issued an Order directing Plaintiff to show cause why this case should not be dismissed without prejudice for failure to effect service on Defendants. (Doc. no. 4). Plaintiff did not respond to the Court's February 6th Order.

As the 120 days allowed by Fed. R. Civ. P. 4(m) for effecting service has expired, and as no Defendants have been served, the Court **REPORTS** and **RECOMMENDS** that this case be **DISMISSED** without prejudice for failure to timely effect service and that this civil action be **CLOSED**. See Hunt v. Department of the Air Force, 29 F.3d 583, 589 (11th Cir. 1994) (affirming dismissal without prejudice for failure to timely effect service).

SO REPORTED and RECOMMENDED this 7th day of March, 2007, at Augusta, Georgia.

W. Leon Barfield
W. LEON BARFIELD
UNITED STATES MAGISTRATE JUDGE